

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHAMONT SAPP,	:	CIVIL ACTION NO. 1:16-CV-161
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
THE VARTAN GROUP, a/k/a	:	
VARTAN ENTERPRISES,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 26th day of June, 2017, upon consideration of the report (Doc. 14) of Chief Magistrate Judge Susan E. Schwab, issued following comprehensive review of the complaint (Doc. 1) filed by *pro se* plaintiff Shamont Sapp (“Sapp”) pursuant to 28 U.S.C. § 1915(e)(2)(B), wherein Judge Schwab recommends that the court dismiss Sapp’s complaint for failure to state a claim for which relief may be granted, and further recommends that the court close the case without leave to amend in light of Judge Schwab’s prior order (Doc. 11) dated February 21, 2017, advising Sapp of the manifold deficiencies in the complaint (Doc. 1) and granting leave to file an amended pleading, and the court acknowledging, as Judge Schwab does, that the court’s February 21, 2017 order (Doc. 11) was returned undeliverable, but observing that *pro se* litigants such as Sapp maintain an obligation to keep the court apprised of their current address, see LOCAL RULE OF COURT 83.18, and that Sapp’s failure to do so evinces at minimum a failure to prosecute this action, see FED. R. CIV. P. 41(b), and at most an intent to abandon same, and it appearing that

Sapp has not objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should "afford some level of review to dispositive legal issues raised by the report," Henderson, 812 F.2d t 878; see also Taylor v. Comm'r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int'l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in full agreement with Judge Schwab's recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 14) of Chief Magistrate Judge Schwab is ADOPTED.
2. Sapp's complaint (Doc. 1) is DISMISSED.
3. The Clerk of Court is directed to CLOSE this case.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania